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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/878,336	06/12/2001	Fujio Seki	122.1456	2145

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EXAMINER
PICH, PONNOREAY

ART UNIT	PAPER NUMBER
2135	

DATE MAILED: 10/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Advisory Action ***Before the Filing of an Appeal Brief***	09/878,336	SEKI ET AL.
	Examiner	Art Unit	
	Ponnoreay Pich	2135	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>06 October 2005</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

    a) ☒ The period for reply expires <u>4</u> months from the mailing date of the final rejection.

    b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

    Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

    (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

    (b)☐ They raise the issue of new matter (see NOTE below);

    (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

        NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: _____.

    Claim(s) objected to: _____.

    Claim(s) rejected: <u>*1-37*</u>.

    Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
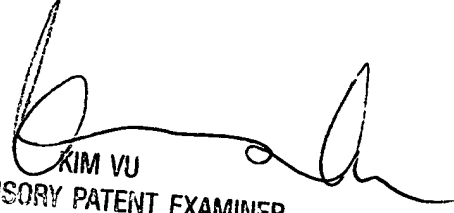
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because:
Applicant's arguments does not overcome the prior art. Before addressing art rejection arguments, the examiner would first like to note that applicant submitted after final amendments to the specification which fixes errors in the specification. The examiner is willing to enter these amendments, but does not withdraw the objection to the specification because prosecution of the current application has been closed. The examiner objected to the specification from the very first office action and the examiner respectfully submits that applicant should have fixed the obvious errors after the first non-final office action. The examiner would have to re-read through the lengthy specification again at this point to determine if the amendments submitted by applicant fixes all obvious errors and because prosecution is closed, the examiner submits this places an unreasonable burden of time on the part of the examiner. Should prosecution become open again, then the examiner would be willing to check the lengthy specification once more to determine whether the specification is in a condition for the objection to be withdrawn based on the amendments to the specification or if there are other translation errors in the specification which need to be fixed.

The examiner also notes that in the first page of the "Remarks" applicant submitted, in paragraph 3, applicant stated that "As admitted by the Examiner, Beasley does not dislcose the above-identified feature of the present invention." The examiner respectfully submits that applicant did not give enough information at this point in the remarks for the examiner to determine to which "above-identified features" are being referred. The examiner assumes that this feature is the same one argued later in the remarks.

Applicant argues that neither Beasley nor Crandall taken alone or in combination, teaches "said identification processing including an identifier corresponding to a connector through which a terminal is connected to encipher a received key note." Applicant argues that Crandall clearly states that the key is nothing more than a random number generated by a random number generator and is not an identifier corresponding to a connection. The examiner respectfully submits that there is nothing which prohibits a random number from being used as an identifier.

The examiner had first identified the limitation "a security unit that executes for each terminal, identification processing of data that has been received from any one terminal and output to the private computer or the shared computer" as being disclosed by Beasley (col 1, lines 45-61 and col 3, lines 4-16). The examiner then stated that the limitation of "said identification processing including utilizing an identifier corresponding to a connector through which a terminal is connected to encipher a received key code" reads on the use of public key cryptography and that public key cryptography was disclosed by Crandall (col 1, lines 32-51). In other words, the rejection of this second limitation was based on the combination of Beasley and Crandall, i.e. the limitation reads on the use of public key cryptography being used to encrypt data sent from the terminals via the terminal connectors Both the terminals and terminal connectors are disclosed by Beasley (Fig 1). From the cited passage of Beasley (col 1, lines 45-61 and col 3, lines 4-16), one can see that each terminal had a corresponding connector through which data can be sent to either the shared computer or the private computer. See also Figure 1. The examiner also stated in page 4 of the final office action that "In public key cryptography, the key itself is an identifier and corresponds to or verifies the identity of the sender or connector from which a message is sent. The reason for this is that the public key is an inverse of the private key, so a message enciphered with one can only be deciphered with the other. If deciphering is successful, it verifies the identity or source of the message (i.e. enciphered key code)." None of the arguments applicant submitted has addressed why this explanation of the examiner is incorrect or if it is incorrect. The examiner submits that Beasley in view of Crandall reads on the limitation being argued. As noted in page 4 of the final office action, Beasley dislcosed identification processing of data that has been received from any one terminal (col 1, lines 45-61 and col 3, lines 4-16). In identifying the terminal which sent the message, one is also identifying the connector through which the message was sent as Beasley shows in Figure 1 that each terminal is connected to only one connector. Further, as the examiner explained, a key in public key cryptography can be an identifier since only the correct public key can decrypt data encrypted with a specific private key. Successful decryption using the public key indicates that the data was indeed encrypted by the owner of the private key corresponding to the public key. Successful decryption in Beasley's modified invention would identify the terminal which sent the encrypted data and in identifying the terminal, one also identifies the connector since each terminal only has one connector. Thus the public key would correspond to both the terminal and the connector since it can be used to identify the source of an encryted data packet via successful decryption.

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